FREQUENTLY ASKED QUESTIONS

The following are the Natural Resources Agency's responses to frequently asked questions about the Environmental Enhancement and Mitigation Program (EEMP). Note that the grant guidelines have been revised from the previous cycle including the project categories. The questions and required documentation have also been updated. Please refer to the new guidelines to be sure that your application addresses the new requirements.

RELATED TRANSPORTATION FACILITY (RTF)

- **What types of transportation projects are eligible as "Related Transportation Facilities" (RTF)?**

  The RTF (e.g., a public street, highway, mass transit guideway or their appurtenant features) must be a local, state or federal transportation project:

  - where modifying construction or new construction began after January 1, 1990, or
  - that are not yet under construction but are included in an adopted state transportation program (STIP) or in a locally adopted and certified capital outlay program, and
  - had an adverse environmental impact.

- **Can the RTF be a light rail or high speed rail line or station? How about an airport?**

  Yes.

- **How do I find a potential RTF in my area?**

  Applicants can identify eligible Related Transportation Facilities by contacting their City or County Transportation Department, Regional Transit Agency (RTA), Metropolitan Transit Authority (MTA), Council of Local Governments (COG), Metropolitan Planning Organization (MPO) or Caltrans District Offices. Note that this is not a comprehensive list.

  Be sure to give the transportation agency sufficient lead time to provide the required documentation. Additionally, for Caltrans projects, the permit engineer and/or landscape architect will need to review your proposed project.

- **Can a bike path be the RTF?**

  No. Bike trails are not considered "related transportation facilities" because they are a form of alternative transportation that in and of themselves mitigate air pollution, by providing transportation that is not fueled by petroleum based products.

- **What other criteria must the RTF meet?**

  Only those transportation facility projects that result in *adverse* environmental impacts qualify as an RTF, for purposes of this grant program.

  In general, maintenance projects that are strictly replacement would not qualify. But projects which involve a significant change in the capacity or configuration (i.e., change in the physical lay-out of the facility) would.

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For instance, projects such as pavement resurfacing or repainting a bridge are classified as maintenance, and for the purposes of this program, are not considered to have adverse impacts. On the other hand, sound barriers in itself mitigate sound impacts, and would not qualify. Additionally, widening a highway, adding an off-ramp, or realigning a curve would likely have an adverse environmental impact, and may qualify.

- **What if there were late occurring or cumulative impacts from the RTF that were not identified during Environmental Review?**

  There may be times where the RTF received a negative declaration or categorical exemption, and is not required to provide environmental mitigation, but is still eligible under this program.

  For instance, if CEQA was completed prior to the requirement that Greenhouse Gas Emissions be evaluated, the applicant might make the case for an adverse impact.

  The RTF contained in each proposal will be evaluated on a case-by-case basis.

- **Can I apply for funding in this grant cycle to undertake an EEMP project related to a RTF that will not begin construction until a future fiscal year?**

  Yes, providing:

  1) The adverse environmental impacts from the RTF are identified. This means the environmental review for the RTF must *be completed; and*
  2) The RTF is fully funded through an adopted state transportation program or a local capital outlay program.

- **How can I find out if a planned transportation project is in an adopted state transportation program or a local capital outlay program?**

  This information can be obtained by contacting your regional transportation agency, local government or local Caltrans district office.

- **What information do I need to provide concerning the mitigation required under CEQA for the Related Transportation Facility?**

  To establish that the proposed EEMP project will mitigate adverse effects of the RTF, provide a concise but complete description of the RTF's environmental impact, and the mitigation required under CEQA.

  Support your statement with the Letter from the Lead Agency responsible for the RTF. This letter documents the status of the environmental review, and lists the required mitigation.

  We also ask that the Lead Agency for CEQA provide a copy of the Notice of Determination for the RTF, with summary documents from the environmental review.

- **What is meant by EEMP projects that are "directly" related to the RTF?**

  o "Directly" may be used in reference to the geographic location of an EEMP project.

An EEMP project that is in the immediate vicinity of the RTF is considered directly related, since it will directly benefit the community near the RTF. For instance, trees planted adjacent to a freeway will sequester carbon from those specific freeway emissions.

- o " Directly" may also be used to characterize the type of benefits produced.

An EEMP project that addresses the damage caused by the RTF is considered directly related. For instance, trees may be planted adjacent to a new roadway to replace trees cut down to build the road.

- **What is meant by EEMP projects that are "indirectly" related to the RTF?**

  - o " Indirectly" may be used in reference to the geographic location of an EEMP project.

That is, the project may not be in the immediate vicinity of the transportation project but in the general area. For instance, if there is no available land for an urban forest project adjacent to the new highway, but there is a suitable parcel in the general area that would allow for increasing the size of an urban park, this could be acceptable if it can be related to the adverse impacts of the transportation project.

  - o "Indirectly" may also be used to characterize the type of benefits produced.

An EEMP project that addresses damages caused by the RTF may be indirectly related if the benefits are in the general area. For instance, a road construction through forest land can endanger wildlife by disrupting wildlife corridors. Acquisition of similar habitat in the area will expand the protected habitat for that wildlife.

It is the responsibility of the applicant to explain the cause and effect relationship between the impact of the transportation project and the proposed environmental project.

EEMP PROJECT

- **Is *required* mitigation for the RTF eligible for funding by EEMP?**

Yes. EEMP will fund mitigation projects required by CEQA – as well as mitigation projects not required by CEQA. In either case, the EEMP project must mitigate adverse impacts of the RTF.

- **Can projects be proposed for more than one program category?**

No. Only one category may be selected for each proposed project. Applications must choose either Urban Forestry (UF), Resource Lands (RL) or Mitigation Beyond the Scope of the Lead Agency (MP). However, all projects are given additional points under the "Other Benefits" criteria for benefits associated with other project categories.

- **Which category is appropriate for applications that plant trees and natives species along rail lines or around stations?**

The UF and MP categories are appropriate for plantings along city streets, rail lines and airports as well as their affiliated stations.

The RL category may be appropriate for rail lines that go through rural communities if resource lands are impacted by the RTF.

- **What kind of permits and permissions are needed for EEMP projects in road or rail right of ways (ROW)?**

  On all projects, rights of ways must be respected. Grantees must comply with all applicable laws and regulations, including securing licenses and required permits from entities with jurisdiction. For encroachment permits, evidence that the entity with jurisdiction is aware of the project and willing to work with the applicant to issue the permit, must be submitted with the application..

- **Can trees and understory be planted in the ROW?**

  EEMP will fund both trees and understory if permitted by the landowner. Note, however, that Caltrans limits plantings in their ROW to trees only.

- **Will the program fund tree removal and replacement?**

  Yes, tree removal can be funded if necessary to the design of the project. But, a project that simply proposes to replace trees that were removed is not likely to receive as high an evaluation as projects that increase the overall number of trees.

- **Are community gardens eligible?**

  Yes.

- **What kinds of EEMP projects are consistent with California's Greenhouse Gas reduction goals and climate adaptation strategy?**

  EEMP projects should achieve multiple benefits by reducing pollution or the consumption of natural resources and energy. For example:

  - Urban Forestry projects provide tree canopy and other suitable plants and understory to offset vehicular emissions of carbon dioxide, and reduce greenhouse gas (GHG).
  - Restoration projects increase water efficiency and conservation by planting drought-tolerant vegetation and incorporating design elements that promote water supply reliability.
  - Acquisitions target resource lands with multiple benefits, such as wetlands – which increase surface and groundwater supply, improve water quality through filtration, and expand the flood plain to help manage storm water.

- **Why won't EEMP fund projects that include palm trees, even when the palm trees are not paid for with EEMP funds?**

  EEMP promotes the State's goal of water conservation and efficiency by planting drought-tolerant and native species. Most palm trees do neither, and projects which incorporate them do not move the State closer towards the goal of water supply reliability.

  Additionally, when compared to other trees, palm trees contribute very little to the uptake of carbon dioxide, do not offer as much indigenous wildlife habitat value if they are not of local origin, and are maintenance intensive because of the hazard of falling fronds.

- **Why won't EEMP pay for trees larger than 15 gallons?**

  Research has shown that smaller transplanted trees become established more quickly in the landscape in a few years, and may ultimately result in larger trees. (Dept. Forest Science, Texas A&M.) Additionally, smaller trees are more economical and require less labor and equipment to install.

- **Are roadside recreational projects, such as bike paths, still eligible?**

  Biking and walking pathways that get people out of their cars and bring them from residential areas to work or school or shopping or recreational points are considered 'active transportation' for the purposes of the **Active Transportation Program** (ATP), and as such, are eligible under that program.

  Projects under Urban Forestry, Resource Land and Mitigation Beyond the Scope may include recreational amenities, such as nature trails and interpretive elements, as part of the larger project.

- **If ATP is funding a bike/commuter trail, can EEMP fund the Urban Forestry components?**

  Yes, if the EEMP project has a separate budget and separate CEQA, or, if the EEMP project is an enhancement to the ATP project.

- **What kinds of EEMP projects are eligible under the MP category?**

  While the guidelines do not specify a particular type of mitigation project, the EEMP project is expected to be consistent with the types of projects funded under EEMP, such as, projects to sequester carbon, protect and enhance resource lands, conserve water, etc. In this category, the applicant must also identify the reasons mitigation is beyond the scope of the Lead Agency.

- **Why would mitigation required under CEQA be "beyond the scope" of the Lead Agency?**

  Mitigation may be beyond the scope of the lead agency because it is not technologically feasible, not possible within the timeframe of the RTF, too expensive to implement, outside the jurisdiction of the lead agency or within the responsibility of another public agency.

- **Will the program fund projects that result in plans or handbooks, e.g. GIS mapping projects, bike lane plan development, best type of trees to plant in specified locations, and etc.?**

  No. EEMP is intended to pay for construction of on-the-ground projects that reduce greenhouse gas emissions, conserve water, protect habitat, and reduce risks associated with climate change, Planning expenses for the EEMP project, however, may be eligible costs within the grant.

<u>APPLICATION</u>

Note that EEMP grants are now administered by the Natural Resources Agency. Therefore some of the requirements may have changed. Please read the new guidelines carefully to be sure that you are aware of all requirements.

- **Are Joint Powers Agencies and Special Districts eligible to apply?**

  Joint Powers Authorities and most Special Districts are eligible when a majority of the members are local authorities or local and California authorities.

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- **Are Indian Tribes eligible to apply?**

  For purposes of this grant, Indian Tribes are eligible if they are federally recognized as a sovereign entity, or if a tribe is equivalent to a 501c3 and has a "non-profit" equivalent status for charitable "community chest" purposes.

- **Are Authorizing Resolutions or Certifications required of all applicants?**

  Yes. All local government agencies and nonprofit organizations are required to submit authorizing resolutions. Entities without a governing board must submit a certification letter from the organization's Director or Chief Executive Officer.

- **Why is a Letter from the Lead Agency for the RTF required, if the applicant is the same entity?**

  A statement from the Lead Agency for the RTF is required from all applicants in order to confirm the adverse impacts of the RTF and the mitigation required under CEQA. The Letter from the Lead Agency responsible for the RTF is needed to document the above information, no matter who is applying.

- **Are binding agreements with landowners required at the time of application?**

  No. For purposes of the application, property owners must provide letters indicating their intent to enter into an agreement with the applicant to develop, operate and maintain the project. (See Appendix L in the Guidelines.)

- **Are letters of support necessary**?

  Letters of support may be submitted but are not a critical factor in the evaluation. However, if endorsements are submitted, they should be included with the grant application. *Please do not send in separately.*

- **If environmental review is required for the EEMP project, when does the review process need to be completed?**

  Environmental review compliance for the proposed EEMP project must be complete in order for the project to be recommended for funding to the California Transportation Commission. Therefore, environmental review for the EEMP project must be completed and documents received by Agency no later than **September 30, 2014**.

- **What are acceptable sources and required amounts for matching funds?**

  A cash funding match is not required in this program. However, projects are evaluated and additional points given for securing other sources of funds, in-kind and volunteer services and donated materials as demonstration of local support for the project.

  Funding for the RTF is not considered a source of funding for the environmental project.

- **What is meant by "in-kind" and/or "volunteer" services?**

  Services needed and provided for the project without charge to the applicant or State, such as work performed by the applicant's organization but not claimed for reimbursement. Volunteer services are those provided without charge, by individuals outside the applicant's organization.

- **Are overhead rates or indirect costs eligible for reimbursement?**

  No. Only *direct* project-related costs are eligible for funding. Overhead or *indirect* costs are **not** eligible for reimbursement. However, direct non-construction costs are eligible for reimbursement, but are capped at 25% of the grant.

  (Overhead means expenses of doing business of a general nature which are incurred to benefit at least two or more functions within an organization. These costs are not identified specifically with a specific project but are necessary for the general operation of the organization. Examples of overhead costs include functions such as personnel, business services, information technology, janitorial, and salaries of managers; rent, utilities, supplies, etc.)

  All eligible project costs must be supported by appropriate documentation in order to be reimbursed.

- **Will EEMP reimburse 100% of the project costs?**

  Yes, if requested in your grant application AND you were awarded the full amount by the CTC.

- **For acquisitions, if my seller is unable to complete the sale, can we substitute another parcel for the one specified in the application?**

  No. Funds are awarded based on your proposal. Once funds are awarded another property cannot be substituted for the property specified in the application. That's why it is imperative you provide a willing seller letter demonstrating the seller is negotiating in good faith, and that discussions have proceeded to a point of confidence.

- **Last year, we submitted an application but did not receive funding. We have improved our proposal and would like to resubmit it this cycle. What do we need to do?**

  The proposal may be resubmitted as a new application and will compete with applications received in the current grant cycle. Be sure the proposal is fully updated, including project information, application form, and resolution. The same RTF can be used to qualify the grant project, so long as all other eligibility requirements are met.

  Note that the grant guidelines have been revised from the previous cycle including the project categories. The questions and required documentation have also been updated. Please refer to the new guidelines to be sure that your application is appropriately updated.

<u>ADMINISTRATION</u>

- **What does it mean that EEMP is a "reimbursement" program?**

  The grantee pays for all services, products or supplies. Then the Grantee periodically submits invoices and proof of payment to the State, and is reimbursed by the State. All costs submitted for reimbursement must

be supported by appropriate invoices, purchase orders, canceled warrants, and other documentation.

- **If we have already completed planning activities or portions of the project, can we request reimbursement for those expenditures once we are awarded funding?**

  No. Only project-related costs *incurred during the project performance period* specified in the grant agreement are eligible for reimbursement. Costs incurred outside of the project performance period will not be reimbursed**.**

- **When can work begin on an approved EEMP project?**

  Work can start *after* the applicant signs an Agreement with the Natural Resources Agency. This is a three-step process:
    o California Transportation Commission (CTC) votes to adopt the EEMP annual program including concept approval of selected projects from the Natural Resources Agency's list of recommendations;
    o CTC votes to allocate grant funds for each approved project; and
    o Agency executes an Agreement between the Applicant and the State.

- **How much time is allowed to expend all grant funds?**

  Generally, projects have four years in which to expend their funds. All eligible reimbursable costs must occur after the Agreement is in place. The project's final invoice must be submitted by **May 1, 2019** to ensure full reimbursement.

- **Why are grantees required to file a Memo of Unrecorded Grant Agreement (MOUGA) against the property acquired or developed?**

  To define the States interest in the property, and to provide notice to third parties, Grantees are required to file a MOUGA. This documents the grantee's requirement to maintain the project as proposed, for the time required by the Grant Agreement.

- **What is the required sign acknowledging EEMP funding?**

  All Grantees are required to post a funding acknowledgement sign at the project site for a minimum of four years from the date of project completion. (See Appendix P for sign requirements.)